

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

FILED

JUL 31 2008

ROBERT MAXWELL,

)

William B. Guthrie  
Clerk, U.S. District Court

By \_\_\_\_\_

Deputy Clerk

Plaintiff,

)

v.

)

No. CIV 08-263-Raw-SPS

UNITED STATES OF AMERICA,

)

Defendant.

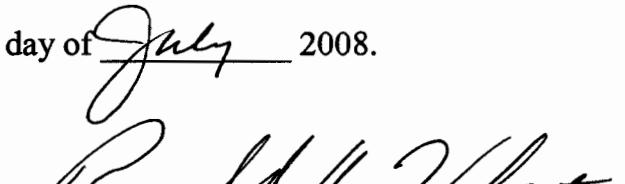
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OPINION AND ORDER

On July 15, 2008, plaintiff, a federal prisoner who is incarcerated at the Federal Transfer Center in Oklahoma City, Oklahoma, filed this action as a “Petition for a Writ of Mandamus,” alleging denial of “standard medical treatment for [] heel spurs, blood in rectum, and pain in groin area.” [Docket #3 at 1]. The court construed the “petition” as a civil rights complaint, pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). [Docket #2].

After careful review, the court finds the acts or omissions of which plaintiff complains occurred in Oklahoma City, which is located in Oklahoma County in the Western District of Oklahoma. Because proper venue does not lie in this district, *see* 28 U.S.C. § 1391(b), plaintiff’s complaint is dismissed without prejudice pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED this 31<sup>st</sup> day of July 2008.



RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE